

ORDER

3750.4A

11/16/89

CONDUCT AND DISCIPLINE



November 16, 1989

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

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11/16/89

3750.4A

FOREWORD

This order revises and updates the material in Order 3750.4. It enunciates the agency's policy on conduct and discipline, including our policy in connection with the misuse of drugs and alcohol as well as our policy on outside financial and employment activities, and lists prescribed penalties for a number of common offenses.


James B. Busey
Administrator

11/16/89

3750.4A

TABLE OF CONTENTS

	<u>Page No.</u>
CHAPTER 1. INTRODUCTION	1
100. Purpose	1
101. Distribution	1
102. Cancellation	1
103. Background	1
104. Explanation of Changes	1
105. Authority to Change this Order	1
106. Role of Supervisors in the Conduct and Discipline Program	1
107. Guidance on Suggested Penalties	1
108. Provisions of Negotiated Labor Agreements	1
109-199. Reserved	1
CHAPTER 2. ON-THE-JOB CONDUCT	3
200. General	3
201. Employee Responsibilities	3
202. Supervisors' Responsibilities	4
203. Safeguarding and Use of Information, Documents, and Records	4
204. Safeguarding Public Funds	4
205. Use of Federal Equipment, Property, and Personnel	5
206. Observing Safety Regulations	5
207. Canvassing, Soliciting, or Selling	5
208. Unauthorized Absence	6
209. Giving Testimony	6
210. Borrowing and Lending Money	7
211. Accepting Notarial Fees	7
212. Letters and Petitions to Congress	7
213. Policy on Substance Abuse	7
214. Defamatory or Irresponsible Statements	9
215. Recording or Monitoring of Telephone Calls by a Third Party or by Automatic Equipment	9
216. Reporting Violations	9
217-299. Reserved	9
CHAPTER 3. OFF-THE-JOB CONDUCT	11
300. General	11
301. Political Activity	11
302. Holding Office in State or Local Government	12
303. Subversive Activity	12
304. Striking	12
305. Meeting Financial Obligations	12
306. Inaugural Flights and Ceremonial Events	13
307-399. Reserved	13

3750.4A

11/16/89

	<u>Page No.</u>
CHAPTER 4. MAINTAINING DISCIPLINE	15
400. General	15
401. Determining Corrective Action To Be Taken	15
402. Correcting Deficiencies	16
403. Informal Disciplinary Measures	16
404. Formal Disciplinary Measures	16
405. Processing Adverse Actions	17
406-499. Reserved	18
CHAPTER 5. OUTSIDE EMPLOYMENT AND FINANCIAL INTERESTS	19
500. General	19
501. Policy	19
502. Employee Responsibilities	19
503. Supervisors' Responsibilities	19
504. Teaching, Lecturing, Writing, and Other Outside, Part-Time Employment Activities	19
505. Financial Interests	21
506. Disqualification Arising Out of Financial Interest	21
507-599. Reserved	21
APPENDIX 1 - Table of Penalties (9 pages)	
APPENDIX 2 - Sample Letter of Reprimand (1 page)	
APPENDIX 3 - Sample Letters Relating to Substance Abuse Cases (4 pages)	
Sample Letter 1: Proposal to Remove in Substance Abuse Case	
Sample Letter 2: Decision Letter in Substance Abuse Case	

11/16/89

3750.4A

CHAPTER 1. INTRODUCTION

100. PURPOSE. This order prescribes the basic rules of conduct for all agency employees. In addition, it describes the various penalties that may be imposed and offers a table of penalties for certain typical offenses.

101. DISTRIBUTION. This order is distributed to the branch level in Washington, regions, and centers, and limited distribution to all field offices and facilities for administering the agency's conduct and discipline program.

102. CANCELLATION. Order 3750.4, Conduct and Discipline, June 10, 1969, is cancelled.

103. BACKGROUND. All FAA employees are expected to comply fully with the letter and spirit of the standards of conduct set forth in this order and with those contained in DOT regulations, 49 CFR Part 99. The agency's policy on employee conduct applies to all FAA employees and is designed to encourage employees to maintain a level of behavior that will promote the efficiency of the Federal service and conform to accepted ethical principles.

104. EXPLANATION OF CHANGES. This order updates and revises the agency's conduct and discipline program to make it consistent with law, regulation, and recent decisions and developments. As the Ethical Conduct Program is now the responsibility of the Office of the Chief Counsel, Chapter 5, Outside Employment and Financial Interest was revised and Chapter 6, Ethical Conduct-Acceptance of Gifts, Entertainments, or Favors, and Appendixes 1 and 4 of Order 3750.4 were eliminated. In addition, the Table of Penalties has been revised and updated.

105. AUTHORITY TO CHANGE THIS ORDER. The Director of Labor and Employee Relations, ALR-1, is authorized to approve changes to this order which do not establish policy, assign responsibility, or delegate authority.

106. ROLE OF SUPERVISORS IN THE CONDUCT AND DISCIPLINE PROGRAM. Supervisors bear primary responsibility for assessing the adequacy of their employees' performance and conduct and, as necessary, initiating appropriate corrective action. In addition, supervisors are responsible for calling to the attention of their subordinates, at least annually, the DOT Regulations, 49 CFR Part 99, and the standards of conduct employees are expected to observe.

107. GUIDANCE ON SUGGESTED PENALTIES. Guidance on penalties for typical and common offenses is contained in Appendix 1, Table of Penalties. The table is not intended to cover every possible offense. Penalties of up to and including removal may be imposed by supervisors for offenses not listed.

108. PROVISIONS OF NEGOTIATED LABOR AGREEMENTS. Negotiated labor agreements may contain provisions relating to matters included in this order. Such provisions will apply only to the employees in the bargaining unit covered by an agreement and will take precedence over the provisions of this order.

109-199. RESERVED.

Chap 1
Par 100

Page (1 and 2)

11/16/89

3750.4A

CHAPTER 2. ON-THE-JOB CONDUCT

200. GENERAL. An employee's conduct on the job has a direct bearing on the proper and effective accomplishment of official duties and responsibilities. Employees are expected to approach their duties in a businesslike manner and maintain such an attitude throughout the workday. Those employees in direct contact with the public bear a heavy responsibility as their conduct plays a significant role in determining the public's attitude toward the Federal service and the FAA.

201. EMPLOYEE RESPONSIBILITIES. Employees are responsible for conducting themselves in a manner which will ensure that their activities do not reflect discredit on the Federal Government and the Federal Aviation Administration. The following basic on-the-job rules must be observed by employees:

- a. Report for work on time and in a condition which will permit performance of assigned duties, i.e., in appropriate clothing, with required tools or equipment, and in a mentally alert and physically fit condition.
- b. Render full and industrious service in the performance of assigned duties. If such duties are not sufficient to fully occupy employees at any given time, they should notify their supervisor so that additional work may be assigned.
- c. Respond promptly to directions and instructions received from their supervisor.
- d. Exercise courtesy and tact in dealing with fellow workers, supervisors, and the public.
- e. Maintain a clean and neat personal appearance to the maximum practicable extent during working hours.
- f. Safeguard classified information as provided in Order 1600.2B, National Security Information, and unclassified information which should not be given general circulation as provided in Order 1600.15D, Control and Protection of "For Official Use Only Information."
- g. Conserve and protect Federal funds, property, equipment, and materials.
- h. Observe the various laws, rules, regulations, and other authoritative instructions.
- i. Uphold with integrity the public trust involved in the position to which assigned.
- j. Report known or suspected violations of law, regulations, or policy through appropriate channels.

3750.4A

11/16/89

202. SUPERVISORS' RESPONSIBILITIES. Supervisors are responsible for applying the agency's conduct and discipline program to employees under their supervision. In this capacity, they must:

- a. Assure that employees under their supervision are aware of the rules of conduct they are expected to observe. This includes calling to the attention of such employees, at least annually, DOT Regulations, 49 CFR Part 99 (See par. 503).
- b. Provide information on the conduct and discipline program to their subordinates as appropriate.
- c. Provide positive leadership to instill in their subordinates a sense of responsibility and loyalty.
- d. Treat employees under their supervision in a fair and equitable manner and avoid discrimination or the appearance of discrimination.
- e. Promptly notify their Civil Aviation Security Division and their Human Resources Management Division of known or suspected criminal activity on the part of employees.

203. SAFEGUARDING AND USE OF INFORMATION, DOCUMENTS, AND RECORDS. Employees shall not disclose or discuss any classified information or "official use only" information unless specifically authorized to do so or except as required on a "need-to-know" basis in the proper discharge of official duties. Classified information shall not be disclosed to anyone who does not have the appropriate security clearance. In addition, employees shall not:

- a. Divulge any official information obtained through or in connection with their Government employment to any unauthorized person.
- b. Release any official information in advance of the time prescribed for its authorized issuance.
- c. Use, or permit others to use, any official information for private purposes which is not available to the general public.
- d. Remove official documents or records from the files for personal reasons. The willful and unlawful falsification, concealment, mutilation, or unauthorized removal of official documents or records is prohibited by law.

204. SAFEGUARDING PUBLIC FUNDS. All employees whose duties concern the expenditure of public funds must have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to be prudent and exercise sound judgment in the expenditure of such funds. Summaries of the penalty provisions of some of the more important laws relating to the misuse of Federal funds are contained in Appendix B, DOT Regulations, 49 CFR Part 99.

11/16/89

3750.4A

205. USE OF FEDERAL EQUIPMENT, PROPERTY, AND PERSONNEL. Employees may not use or permit others to use Federal equipment, property, or personnel, including but not limited to stenographic and typing assistance, computer hardware, software, or telecommunication capabilities, duplicating services, or chauffeur service, for other than official business or officially approved or sponsored activities. Specific statutory penalties are prescribed for the willful use of Government-owned or leased motor vehicles or aircraft for other than official purposes (31 USC 1344(b)) and the use of official envelopes or labels for private purposes to avoid payment of postage (18 USC 1719).

a. Government telephones, including facility interphones, are provided for use in conducting official business. Unless specifically authorized in appropriate regulations they are not to be used for making or receiving personal calls except in the case of emergency.

b. Employees may not have their personal mail directed to their place of employment. Exceptions to this policy may be granted by supervisors in unusual circumstances such as when an employee is in travel over 50 percent of the time.

c. U.S. Postage Paid envelopes may not be used for personal benefit or advancement.

206. OBSERVING SAFETY REGULATIONS. All employees must observe all rules, signs, and instructions relating to personal safety. (See Order 3900.19A, Occupational Safety and Health.) In addition to avoiding accidents, employees must report potential accidents and fire hazards to the proper officials and cooperate fully with the safety officer to assure that the safety of persons or property is not endangered. Willful nonobservance of the governing safety regulations, such as the acts described below, constitutes grounds for disciplinary actions:

a. Failure to report an accident involving injury to persons or damage to property or equipment.

b. Failure to use protective clothing or equipment (e.g., failure to use a safety climbing device when one is provided).

c. Endangering the safety of, or causing injury to, personnel or damaging property or equipment through negligence.

d. Failure to wear an available safety/seat belt while using a motor vehicle for official Government business.

207. CANVASSING, SOLICITING, OR SELLING. Employees shall not engage in private activities for personal gain or any other unauthorized purpose while on Government property.

a. This prohibition applies specifically, but is not limited to, such activities as:

(1) Canvassing, soliciting, or selling for personal monetary gain.

3750.4A

11/16/89

(2) Promoting group buying when such action could reasonably be interpreted as involving the improper use of Federal facilities and personnel.

(3) Canvassing or soliciting membership, except as authorized in connection with organized employee groups.

(4) Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of law (5 USC 7351). This prohibited activity applies on or off Government premises.

b. This prohibition does not apply to:

(1) Those activities which are specifically authorized by appropriate authority.

(2) Soliciting contributions for charitable, health, welfare, and similar organizations as authorized by appropriate authority.

(3) Collecting contributions for group immunization programs conducted for the benefit of employees.

(4) Those activities of voluntary groups of Federal employees which are of the type commonly accepted as normal social, welfare, or recreational functions of such groups.

(5) A spontaneous, voluntary collection for an employee who is being married, retired, transferred, separated, or is ill, or as an expression of condolence when conducted by co-workers of approximately equal status to the employee.

208. UNAUTHORIZED ABSENCE. Employees must obtain approval of all absences from duty (including leave without pay). An absence which is not approved will be charged as absence without leave. In addition, disciplinary action may be taken if the circumstances warrant.

209. GIVING TESTIMONY.

a. It is the duty of every employee to give to any supervisor or official conducting an official investigation or inquiry, all information and testimony about all matters inquired of, arising under the law, rules, and regulations administered by the FAA.

(1) When directed by the Administrator (or his authorized representative), an employee shall take an oath or make an affirmation about his or her testimony or written statement before an agent authorized by law to administer oaths, and the employee shall sign his or her name to a transcript of testimony or a written statement which the employee provided.

(2) Refusal of any employee to testify or provide information pertinent to matters under investigation or inquiry may result in removal.

11/16/89

3750.4A

b. All employees must give information fully in response to requests received from Congress, General Accounting Office, Office of the Inspector General, or other duly authorized investigative body, and to the Office of Personnel Management regarding matters under their jurisdiction. It is FAA policy to cooperate with such bodies in the public interest. Employees must notify their supervisors of any such request.

210. BORROWING AND LENDING MONEY. Employees shall not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Neither shall an employee lend money to employees for the purpose of monetary profit or other gain. Anyone failing to observe these common-sense rules of conduct will be subject to disciplinary action. These prohibitions do not apply to the operation of recognized credit unions or to employee welfare plans.

211. ACCEPTING NOTARIAL FEES. An employee who is also a notary public shall not charge or receive fees for performing notarial acts in connection with his or her official duties. Neither may such an employee charge or receive a fee for performing a notarial act for any person during official duty hours or lunch period. The prohibition on acceptance of fees does not apply to notarial acts performed in an unofficial capacity during off-duty hours and off Government-controlled property.

212. LETTERS AND PETITIONS TO CONGRESS. The use of appropriated funds to influence the consideration of legislation is prohibited by statute (18 USC 1913). On the other hand, the right of employees, either individually or collectively, to petition Congress or any member thereof or to furnish information to any committee or member of Congress is provided by law. Letters to Congress, as well as petitions and other communications, are covered by this provision. While the FAA desires that employees seek to resolve any problem or grievance within the agency, any employee exercising the right to correspond with a member of Congress shall be free from restraint, reprisal, or coercion. Nevertheless, in accordance with paragraph 205 of this order, employees may not use agency facilities, supplies, equipment, or duty time in writing about personal business to anyone, including any committee or member of Congress.

213. POLICY ON SUBSTANCE ABUSE

a. As an employer, the Federal Aviation Administration is concerned with the private decision of any employee to use illicit drugs or abuse alcohol or other substances in a way that could affect the employee's work performance. As an employer with responsibility for aviation safety, the FAA is especially concerned when this private decision can affect the safety of the flying public. The confidence of the flying public depends upon absolute trust in the integrity of the air transportation system. Employees directly involved in aviation safety who use illicit drugs or abuse alcohol or other substances place their jobs in jeopardy. No one known to do so will be permitted to perform any aviation-safety-related duties until the FAA is satisfied that such a person is no longer a risk to public safety.

11/16/89

3750.4A

b. When there is credible evidence that any employee is involved in the growing, processing, manufacturing, selling, disposition, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, that employee shall be separated from the Federal service. Use, possession, purchase, or being under the influence of drugs on duty by employees who have direct aviation-safety-related duties or by other employees whose duties could affect the safety of people or property, will also result in separation.

c. The following procedures will apply to the off-duty conduct of those employees who have direct aviation-safety-related duties:

(1) When there is credible evidence of off-duty illicit drug use or alcohol abuse or other substance abuse by an employee, the employee will be relieved immediately from his/her aviation-safety-related duties and assigned other responsibilities.

(2) Each employee will be offered an opportunity to enter into an appropriate drug use abatement program or alcohol abuse treatment program.

(3) Refusal to enter into an appropriate program will result in removal.

(4) Once enrolled in an appropriate program, return to safety duties will be contingent upon FAA medical clearance. After successful completion of the rehabilitation program, the employee will be subject to random screening tests for a 1-year period.

(5) At the end of the 1-year period, if the employee has ceased the use of illicit drugs or the abuse of alcohol or other substances, no further random screening will be required.

(6) Any recurrence of illicit drug use or abuse of alcohol or other substance will result in immediate removal by the FAA.

d. The following procedures will apply to all other employees:

(1) When there is any credible evidence that an employee in another occupation is involved in the use of illicit drugs or the abuse of alcohol or other substance, he/she will be offered an opportunity to enter into a drug use abatement program or an alcohol abuse treatment program.

(2) If the employee refuses to enter into an appropriate program, he/she will be subject to appropriate discipline. (See Appendix 1.)

(3) Should there be subsequent instances of the use of illicit drugs or the abuse of alcohol or other substance abuse, no opportunity need be offered to enter into a program, and the employee will be subject to discipline or removal.

11/16/89

3750.4A

e. Employees using physician-prescribed drugs that could affect performance must immediately make this fact known to their supervisors so that appropriate action can be taken to eliminate the real or potential danger. As appropriate, an employee may be placed on leave or assigned other duties.

214. DEFAMATORY OR IRRESPONSIBLE STATEMENTS. While FAA encourages freedom of expression, employees are accountable for the statements they make and the views they express. Employees shall not make irresponsible, false, or defamatory statements which attack, without foundation, the integrity of other individuals or organizations, or disrupt the orderly conduct of official business, nor may they make statements urging or encouraging other employees to commit unlawful acts.

215. RECORDING OR MONITORING OF TELEPHONE CALLS BY A THIRD PARTY OR BY AUTOMATIC EQUIPMENT.

a. Telephone eavesdropping is prohibited. Advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever. An advance verbal warning must be given when an automatic recording device or a speaker telephone is used. The use of recording devices, portable or otherwise, on telephones shall be limited to areas involving air safety. This includes accident investigations, near-collision reporting, Command Communications Network, and the Washington Tactical Switch. (See Order 1600.24C, Use of Recording or Monitoring Equipment and Practices.)

b. FAA employees, in the conduct of their official duties, may not use secret recording or monitoring equipment of any kind or aid in or ignore the improper use of such equipment.

c. The prohibitions do not preclude the use of normal or standard types of recording equipment used openly in areas involving air safety, or under circumstances wherein the prior concurrence of all parties is clearly and specifically indicated.

216. REPORTING VIOLATIONS. It is the duty of every employee to report any known or suspected violation of policy or regulations through appropriate supervisory channels or, if appropriate, directly to his/her Civil Aviation Security Division.

217.-299. Reserved.

11/16/89

3750.42.

CHAPTER 3. OFF-THE-JOB CONDUCT

300. GENERAL. The FAA expects employees to conduct themselves off duty in a manner which will not adversely reflect on the agency's ability to discharge its mission. They must conduct themselves while off duty in a manner that will not cause the public to question their reliability and trustworthiness in carrying out their responsibilities as employees of the Federal Government. Off duty criminal activity is regarded as misconduct and can result in disciplinary action.

301. POLITICAL ACTIVITY.

a. The right of all employees to vote as they choose and to express their opinions on all political subjects and candidates is specifically stated in the Hatch Act (5 USC 7321). However, public expression of opinion in such a way as to constitute taking an active part in partisan political management or in partisan political campaigns is prohibited.

b. Employees are responsible for acquainting themselves with restrictions on partisan political activity and for not engaging in prohibited actions. Any political activity that is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in cooperation with others or through an agent. Employees are accountable for political activity by persons other than themselves, including wives or husbands, if the employees are thus accomplishing by collusion and indirection what they may not lawfully do directly and openly. This does not mean that an employee's husband or wife may not engage in politics independently upon his or her own initiative and in his or her own behalf. (See 5 CFR Part 733 for additional guidance.)

c. An employee violating the political activity restrictions will be subject to disciplinary action. The Merit Systems Protection Board (MSPB) is charged with enforcing these restrictions, and information on suspected violations should be transmitted to the Office of Special Counsel, MSPB.

d. Some of the prohibited political activities relating to the workplace are:

(1) Soliciting, receiving, disbursing, or otherwise handling contributions made for political purposes. This does not preclude employees from making voluntary contributions to a political party or organization for its general expenditures.

(2) Furnishing names and addresses of other employees for the purpose of political solicitation.

(3) Using official authority or influence for the purpose of interfering with an election or affecting the result thereof.

(4) Discriminating in favor of, or against, another employee or prospective employee because of political contributions or opinions.

3750.4A

11/16/89

302. HOLDING OFFICE IN STATE OR LOCAL GOVERNMENT.

a. Provided it does not interfere with the employee's primary job, result in a conflict of interest situation, or violate the prohibition on partisan political activity, there is no objection to employees holding office in local or state government.

b. Because of the unique interrelationship between the FAA and local and state government, it is urged that employees seek the advice of their personnel office or regional or center Assistant Chief counsels to help determine if a particular office represents a real or potential conflict of interest.

c. Employees who hold local or state office must observe both the letter and spirit of the prohibition on active participation in partisan politics.

303. SUBVERSIVE ACTIVITY. No employee shall advocate or become a member of any organization which the employee knows advocates the overthrow of the constitutional form of Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States.

304. STRIKING. No employee shall engage in or encourage another Federal employee to engage in a strike, work stoppage, or work slowdown in a labor-management dispute involving the Federal Government.

305. MEETING FINANCIAL OBLIGATIONS.

a. All employees are expected to discharge their private financial obligations and to maintain a reputation in the community for honoring debts. Failure without sufficient excuse or reason to honor valid debts, including claims based on court judgments and tax delinquencies, or to make and adhere to reasonable arrangements for settlement, will constitute grounds for disciplinary action.

b. Employees shall pay just financial obligations in a proper and timely manner. A just financial obligation is one acknowledged by the employee, reduced to judgment by a court, or one imposed by law such as Federal, state, or local taxes. In a proper and timely manner means in a manner which does not reflect adversely on FAA and/or the Government.

c. The agency will not permit itself to be used as a collection agency in connection with commercial obligations or claims based on court judgments. Neither will it be placed in the position of determining the validity of contested debts. Creditors and collectors shall be denied access to employees for the purpose of presenting or collecting claims during working hours. Upon receipt of a debt complaint, the employee will be contacted by a responsible official and required to submit a statement concerning the plan for repayment.

11/16/89

3750.4A

Each complaint will be acknowledged and the writer informed of the referral of the letter. If the obligation is disputed or denied, the complainant will be so informed and advised that the FAA will take no further action pending determination of the claim's validity through proper proceedings. If the obligation is admitted, however, the complainant will be advised of the employee's intentions regarding repayment.

d. Garnishment of an employee's salary is authorized in the case of valid alimony and child support claims by PL 93-647.

e. Payroll deductions are authorized to recover employee debts to the U.S. Government. In addition, offsets can be levied against an employee's retirement contribution to recover amounts due the Government.

f. Employees are expected to repay federally insured student loans under PL 97-276. The Government can garnish an employee's wages to meet such obligations.

306. INAUGURAL FLIGHTS AND CEREMONIAL EVENTS.

a. The Departmental standards of conduct regulations in 49 CFR Part 99 prohibit employees from accepting any gifts, favors, gratuities, or any other thing of monetary value, including free transportation, from any person or company that is subject to FAA regulations, that has or is seeking to have contractual relations with the FAA, or that has interests which might be affected by the performance or non-performance of the duties of the particular employees.

b. Hence, acceptance of invitations by our personnel from airlines, aircraft manufacturers, or other aviation-related businesses for inaugural flights or for free transportation in connection with roll-outs and similar ceremonial events is specifically prohibited.

c. Invitations of this nature may only be accepted if the employee is to perform official FAA duties in connection with the event. In such an instance, all related travel and transportation expenses will be borne by the agency. Any invitation of this kind should immediately be forwarded to the appropriate approving official along with a written recommendation from the employee receiving the invitation and his or her supervisor.

11/16/89

3750.4A

CHAPTER 4. MAINTAINING DISCIPLINE

400. GENERAL. Effectiveness, productivity, economy, high morale, and similar conditions associated with a successful operation generally occur in an environment where constructive discipline is fostered and maintained. By constructive discipline, we refer to discipline which as much as possible produces a positive change in an employee's behavior or performance. Such discipline is often concerned with prevention, as well as correction. The successful application of constructive discipline is an integral part of the responsibilities of supervisors.

401. DETERMINING CORRECTIVE ACTION TO BE TAKEN. Supervisors are responsible for determining if corrective disciplinary action is warranted. In determining the severity of the penalty they are guided by Appendix 1, Table of Penalties. Supervisors are urged to seek advice and guidance from their Human Resource Management Division in connection with the disciplinary process. Whether the action decided upon is formal or informal, the following principles should be observed in determining the severity of the discipline:

- a. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
- b. The employee's job level and type of employment, including supervisor or fiduciary role, contacts with the public, and prominence of the position.
- c. The employee's past disciplinary record.
- d. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- e. The effect of the offense upon the employee's ability to perform at a satisfactory level, and its effect upon supervisors; confidence in the employee's ability to perform assigned duties.
- f. Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- g. Consistency of the penalty with any applicable agency table of penalties.
- h. The notoriety of the offense or its impact upon the reputation of the agency.
- i. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

11/16/89

j. Potential for the employee's rehabilitation.

k. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.

1. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

402. CORRECTING DEFICIENCIES. When a supervisor decides that corrective action is necessary, consideration should be given to the application of measures which, while not disciplinary, will instruct the offending employee and/or remedy the problem. Typically, these measures are applied by supervisors on their own initiative and in situations where a less serious offense has occurred. At times, the correction of possible or actual employee misconduct requires nothing more than counseling or closer supervision. If closer supervision is used as a remedial measure, the employee should be informed of the reason for the closer supervision and encouraged to participate in the corrective process.

403. INFORMAL DISCIPLINARY MEASURES. If a supervisor determines that discipline is appropriate, informal disciplinary measures should be considered before taking a more severe action. These measures, oral admonishments and written admonishments described below, are not recorded in an employee's official personnel folder.

a. Oral Admonishment. Perhaps the most common corrective disciplinary action is the face-to-face admonishment of an employee by a supervisor. To be more effective, such discussions should be conducted in private. The discussion should be informal and the employee should be advised of the specific infraction or breach of conduct and allowed to explain or offer any comment. Basic facts of the discussion, including the reason for the admonishment and any corrective steps necessary, should be recorded by the supervisor.

b. Written Admonishment. Often an admonishment that is written will have a greater impact on an employee and lead to improvement in behavior or performance. The written admonishment should describe the improper actions of the employee and the positive corrective steps the employee should take to preclude a recurrence. The pertinent facts relating to the written admonishment should be recorded by the supervisor.

404. FORMAL DISCIPLINARY MEASURES. If more severe discipline is appropriate, a supervisor should consider one of the formal disciplinary measures listed below. It is not necessary to have taken an informal disciplinary measure before administering a formal measure. These measures are initiated following coordination with the Human Resource Management Division and a record of the actions is placed in the employee's personnel folder.

a. Letter of Reprimand. A letter of reprimand is written notice to an employee that his/her misconduct is of a serious nature and cannot be condoned or tolerated. Normally issued by an employee's immediate supervisor, a letter

11/16/89

3750.4A

of reprimand shall include full particulars of the offense or infraction. While it is not necessary to give a formal advance notice of a "proposed" reprimand, an employee is entitled to respond in writing to an issued reprimand within 15 days following its receipt and is advised of that right in the letter of reprimand. It is generally preferable for a supervisor to discuss a letter of reprimand with the recipient prior to its issuance. The letter of reprimand and any written response the employee submits are filed on the left side of the employee's official personnel folder for 2 years. After that time, it is withdrawn and disposed of in accordance with record disposal requirements. (See Appendix 2 for Sample Letter of Reprimand.)

b. Suspension. As a suspension places an employee in an involuntary, temporary, nonduty, nonpay status, it is imposed because of serious or repeated misconduct. A suspension may be for any number of days depending upon the infraction.

c. Reduction in Grade or Pay. While often taken for nondisciplinary reasons, such an action can be taken for reasons of conduct and is a valid disciplinary tool. Involuntary reductions in grade or pay not associated with unsatisfactory performance or reduction in force (RIF) procedures are adverse actions.

d. Removal. Removal is management's action to separate an employee from the Federal service for such cause as will promote the efficiency of the service.

405. PROCESSING ADVERSE ACTIONS. Listed below are the major procedural requirements associated with suspensions, reductions in grade or pay, or removals. Details on processing such actions, including sample letters, are found in Order 3770.2B, Adverse Actions, Appeals and Grievances, which should be carefully reviewed before an action is proposed.

a. Suspensions of 14 Days or Less.

(1) An advance written notice proposing the action is given the employee. Signed by the deciding official, the notice must state the specific reasons for the suspension in sufficient detail to allow the employee to respond. The proposed suspension must be for such cause as will promote the efficiency of the service and the notification must inform the employee of the right to review the material relied upon to support the proposed action.

(2) The employee is given a reasonable time (normally 15 days) to reply to the notice orally and/or in writing. Following consideration of any employee response, a written decision is issued by the deciding official.

(3) If it is decided to take the action, the decision states the effective date and the employee's right to grieve the action under the agency grievance procedure or, if appropriate, under a negotiated grievance procedure.

3750.4A

11/16/89

b. Suspensions of More than 14 Days and Removals or Reductions in Grade for Reasons Other than Unacceptable Performance.

(1) An advance written notice proposing the action is given to the employee. Signed by the deciding official, the notice must state the specific reasons for the action in sufficient detail to allow the employee to respond. The notice must be received by the employee at least 30 days in advance of an eventual effective date. The proposed action must be for such cause as will promote the efficiency of the service and must inform the employee of the right to review the material relied upon to support the proposed action and the amount of duty time allowed to review the material and prepare a response. Normally, not more than 16 hours of duty time will be allowed the employee for this purpose.

(2) The employee is given a reasonable time (normally 15 days) to reply to the notice orally and/or in writing. Following consideration of any employee response, a written decision is issued by the deciding official.

(3) If it is decided to take the action, the decision states the effective date and the employee's right to appeal the action to the Merit Systems Protection Board, or, if appropriate, the right to choose instead to grieve the action under a negotiated grievance procedure.

406-499. RESERVED.

11/16/89

3750.4A

CHAPTER 5. OUTSIDE EMPLOYMENT AND FINANCIAL INTERESTS

500. GENERAL. Information on outside employment and financial interests is contained in DOT Regulations, 49 CFR Part 99, Employee Responsibilities and Conduct. A copy of Order 3750.3B with DOT Regulations, 49 CFR Part 99 as an appendix is given to every agency employee by his/her Human Resource Management Division upon entry on duty.

501. POLICY. Employees must comply fully with the letter and spirit of the guidance and information relating to outside employment and financial interests contained in DOT Regulations, 49 CFR Part 99.

502. EMPLOYEE RESPONSIBILITIES. Each employee, including managers and supervisors, is responsible for the following:

- a. Reading DOT Regulations, 49 CFR Part 99, and retaining a personal copy of these regulations (given to every employee) for future reference.
- b. Conducting him/herself in a manner consistent with DOT Regulations, 49 CFR Part 99.
- c. Reviewing his/her financial and outside employment activities to assure that they have no direct or indirect involvement that conflicts or appears to conflict with the duties and responsibilities of his/her FAA position.
- d. As required by his/her supervisor, submitting a Statement of Employment and Financial Interests (DOT F 3700.1) on July 31 of the current year and a supplemental statement on or before that date each year thereafter.

503. SUPERVISORS' RESPONSIBILITIES.

- a. Assuring that each of their subordinates is provided with a copy of DOT Regulations, 49 CFR Part 99.
- b. Calling to the attention of their employees, at least annually, the DOT Regulations, 49 CFR Part 99, and the standards of conduct employees are expected to observe. Supervisors must make a written record of when this function is performed.
- c. Assuring that employees under their supervision who are required to submit confidential statements and supplementary statements fulfill their responsibilities.

504. TEACHING, LECTURING, WRITING, AND OTHER OUTSIDE, PART-TIME EMPLOYMENT ACTIVITIES.

- a. Consistent with the provisions of 49 CFR 99.735-11, employees may engage in outside employment which is compatible with their Governmental duties and which does not impair their physical or mental capacity to perform Departmental duties. Employees may teach, write, or lecture, provided they do

3750.4A

11/16/89

not use "inside" information (i.e., information which has not yet been made available to the public). However, under some limited circumstances, the Secretary may permit the use of inside information where such use is found to be in the public interest. For all practical purposes, Presidential appointees in the Department are prohibited absolutely from receiving compensation for any lecture, discussion, writing, or appearance related to transportation. Other employees may accept compensation, provided they advise the General Counsel of the Department, in writing, of the amount and source within 5 days after the event.

b. The FAA has taken the position that additional limitations must apply to its employees who wish to engage in aviation-related, part-time work. Since the agency is solely responsible for the control of airspace and the promotion and enforcement of aviation safety in the United States, the "appearance" problem raised by the participation of its employees in outside employment in the aviation arena is considerable. On the other hand, the agency is willing to permit the employees to have a reasonable opportunity to augment their incomes through part-time work in aviation enterprises.

c. Briefly stated, the agency permits an employee to work in aviation-related activities, on a part-time basis, if these activities are not subject to the jurisdiction of the employee's employing office or facility. This means that any aviation-related business activity which may be subject to inspection, air traffic control, licensing, certification, or other official contact by the FAA facility where the employee works, is essentially off-limits to the employee as a source of part-time employment. The prohibition is effective even though the employee personally has no official responsibility over the business in question as part of his or her FAA duties. To trigger the ban, it is enough that his or her employee organization, such as a GADO, FSDO, FSS, Tower, et cetera, has such an official responsibility. All this is based on the "appearance" standard discussed above.

d. The further removed from actual field responsibilities the employee is, the more severable become the administrative areas of jurisdiction of his or her office or facility. For example, an employee in the Airway Facilities Division of a region would not ordinarily be barred by agency policy from flying part-time for a Part 135 operator, even though the operator's certificate was held in a GADO within that region. On the other hand, an employee in the General Aviation or Air Carrier Branch in the Flight Standards Division of that same region would in most circumstances be prohibited from flying part time for this operator because of the jurisdictional responsibilities of these branches over the GADO's and FSDO's within that region. An employee working in the flight inspection procedures staff or the aircraft inspection group within the division would not ordinarily be so prohibited, however. A Washington headquarters employee of the General Aviation and Commercial Division of the Flight Standards Service ordinarily would be permitted to fly for that same operator, whereas an employee of the Air Transportation Division would not, in most circumstances.

11/16/89

3750.4A

e. Part-time flying by employees, to a greater extent than other outside pursuits, may also tend to impair their mental or physical capacities to perform their Government jobs within the meaning of 49 CFR 99.735-11(a)(2). Therefore, supervisors should carefully review the possible effects of commercial flying on an employee's performance of duty should he or she seek this kind of part-time work.

505. FINANCIAL INTERESTS. The terms of 49 CFR 99.735-13 prohibit employees from having any financial interests which conflict, or appear to conflict, with their official duties or responsibilities. On the basis of the "appearance" standard, FAA employees are prohibited from owning stocks or other interests in airlines or aircraft manufacturing companies. This policy applies to all employees, regardless of their particular official duty assignments. For example, a consideration of whether or not an employee's duties involved the aviation-related company in which he or she may own stock, is not relevant to the application of this prohibition. The regulations specifically exempt from the prohibition any holding in a widely held mutual fund, or regulated investment company, which does not specialize in the aviation or airline industry.

506. DISQUALIFICATION ARISING OUT OF FINANCIAL INTERESTS. A Federal statute, 18 U.S.C. 208, provides for criminal penalties for employees who participate personally and substantially, as Government officials, in any particular matter in which they, their spouses, or their minor children have a financial interest. This means, for example, that employees may not become involved, as a part of their official Government duties, in any decisionmaking process involving companies in which they hold stock. This statute also classifies negotiations or arrangements for future employment by an employee as financial interests. Under these circumstances, the statute requires that the employee avoid any official participation in matters affecting the company with which he or she is negotiating while the individual is still working for the Government.

507-599. RESERVED.

11/16/89

3750.4A
Appendix 1APPENDIX 1. TABLE OF PENALTIES

The penalties listed below are appropriate to the offenses identified and are to be applied by supervisors. Where a range of penalties is listed, a supervisor may select the penalty, including the most severe penalty listed, which he or she believes is warranted. In some situations, a supervisor may wish to deviate from the guide and impose either a lessor or greater penalty as circumstances require. Such deviations are permitted but must be based upon sound reasons and supported by appropriate documentation. With the exception of offense number 40, suspensions are to be applied in WORKDAYS. This table is not designed to cover every possible offense. Penalties of up to and including removal may be imposed by supervisors for offenses not listed. Before imposing a penalty, a supervisor should review paragraphs 400 through 405. The first time an employee is given a reprimand or suspension for a listed offense, is considered a "first offense" on this table. Subsequent violations of the same rule or regulation are considered the second and third offense as appropriate. Where the third offense does not provide for removal, further violations of such a rule or regulation should produce penalties of increased severity.

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. Unexcused or unauthorized absence or lateness.*			
a. Unexcused/unauthorized absence of from 1-5 scheduled workdays.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
b. Unexcused or unauthorized absence of more than 5 consecutive scheduled workdays.	10-day suspension to removal	Removal	
c. Frequent lateness or (tardiness).	Letter of reprimand	5-day suspension	10-day suspension to removal
2. Absence from FAA premises at any time during duty hours without permission.	Letter of reprimand to 1-day suspension	10-day suspension	Removal
3. Improper use of sick leave.	Letter of reprimand to 1-day suspension	10-day suspension	Removal
4. Unauthorized absence from work site while remaining on FAA premises.	Letter of reprimand	5-day suspension	Removal
5. Failure to carry out orders or assignments given by a superior official.	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal
6. Insubordination and refusal to carry out orders or assignments given by a superior official.	1--day suspension to removal	Removal	

*Penalties do not apply in cases of concerted job actions or illegal strikes.

3750.4A
Appendix 1

11/16/89

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
7. Failure to carry or show proper identification credentials as required by competent authority.	Letter of reprimand	5-day suspension	10-day suspension
8. Failure to observe precautions for personal safety, such as failure to use safety equipment when it is provided, failure to use available safety restraints when operating a motor vehicle on Government business, or ignoring signs, posted rules, or regulations or written or verbal safety instructions.	Letter of reprimand	2-day suspension	10-day suspension
9. Failure to report personal injury or accident occurring on the job.	Letter of reprimand	5-day suspension	10-day suspension
10. Conducting personal affairs while in duty status.	Letter of reprimand	5-day suspension	10-day suspension to removal
11. Gambling or promotion of gambling on FAA premises.	Letter of reprimand to removal	5-day suspension to removal	Removal
12. Use or improper possession of alcoholic beverages while on duty, or excessive and habitual abuse of alcoholic beverages while off duty.			
a. Use, improper possession, or being under the influence of alcoholic beverages while on duty; or excessive and habitual abuse of alcoholic beverages while off duty by an employee occupying a position directly related to aviation safety and required to take periodic physical examinations.	Each such employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by the FAA. Failure to enter the program or successfully complete it will result in removal.	Removal	

11/16/89

3750.4A

Appendix 1

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
b. Use, improper possession, or being under the influence of alcoholic beverages while on duty; or excessive and habitual abuse of alcoholic beverages while off duty by an employee occupying a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by the FAA. Failure to enter the program or successfully complete it will result in removal.	Removal	
c. Use, improper possession, or being under the influence of alcoholic beverages while on duty by an employee not occupying a position directly related to aviation safety and required to take periodic physical examinations; a position directly related to aviation safety; or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcoholic abatement program approved by FAA. Failure to enter the program or successfully complete it will result in removal.	Removal	
d. Excessive and habitual abuse of alcoholic beverages while off duty which resulted in performance deficiencies or misconduct by an employee not occupying a position directly related to aviation safety and required to take periodic physical examinations, a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by the FAA. Failure to enter the program or to successfully complete it will result in discipline for the performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in this table of penalties.

3750.4A
Appendix 1

11/16/89

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
13. Use, being under the influence of, possession, selling or purchasing either on or off FAA premises of hallucinogens, amphetamines, barbiturates, benzodiazepines, narcotics, marijuana, hashish, other cannabis substances, or other controlled substances. (For information on prescription drugs, see Para. 213.)			
a. Sale of such substances while on or off FAA premises (includes offer to sell), or participation in the manufacture, growing, distribution, or transport of such substance.	Removal		
b. Use, possession, purchase, being under the influence of such substances on duty by an employee occupying a position directly related to aviation safety and required to take periodic physical examinations.	Removal		
c. Use, possession, being under the influence of such substances on duty by an employee occupying a position directly related to aviation safety or a position where the safety of persons or property could be endangered.	Removal		

11/16/89

3750.4A
Appendix 1

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
d. Use, possession, purchase, being under the influence of such substances on duty by an employee not occupying a position directly related to aviation safety and required to take periodic physical examinations, a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an abatement program approved by the FAA. Failure to enter the program or to successfully complete it will result in removal.	Removal	
e. Use, possession, purchase, being under the influence of such substances off duty by an employee occupying a position directly related to aviation safety and required to take periodic physical examinations.	Employee will be offered an opportunity to enter an appropriate drug use abatement program approved by the FAA. Failure to enter the program or to successfully complete it will result in removal.	Removal	
f. Use, possession, being under the influence of such substances off duty by an employee occupying a position directly related to aviation safety or a position where the safety of persons could be endangered.	Employee will be offered an opportunity to enter an appropriate drug use abatement program approved by the FAA. Failure to enter the program or to successfully complete it will result in removal.	Removal	
g. Use, possession, purchase, being under the influence of such substances off duty which has resulted in a performance deficiency or misconduct by an employee not occupying a position directly related to aviation safety and required to take periodic physical examinations, a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate drug use abatement program approved by the FAA. Failure to enter the program or successfully complete it will result in discipline for the performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in this table of penalties.

3750.4A
Appendix 1

11/16/89

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
14. Failure without sufficient excuse or reason to honor valid debts or legal obligations.	Letter of Reprimand	Letter of Reprimand	Removal
15. Sleeping while on duty.			
a. Where an individual occupies a position where safety of personnel or property is not endangered.	Letter of reprimand to 1-day suspension	10-day suspension	Removal
b. Where an individual occupies a position where safety of personnel or property is endangered.	10- day suspension to removal	Removal	
16. Negligent or careless work performance that results in waste of public funds or resources	Letter of reprimand to removal	10-day suspension to removal	Removal
17. Negligent or careless work performance that results in injury or danger of injury to either the individual involved or to others.	10-day suspension to removal	Removal	
18. Disorderly conduct, or threatening another while on the job or on FAA property.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
19. Fighting or attempting to inflict or inflicting bodily injury to another while on the job or on FAA property.	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal
20. Disreputable conduct, use of insulting, abusive or obscene language to or about other individuals while on the job or on FAA property.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
21. Creating a disturbance on or off the job which adversely affects efficiency or which reflects unfavorably on the Federal service or on the agency.	Letter of reprimand to 5-day suspension	10-day suspension	Removal

11/16/89

3750.4A
Appendix 1

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
22. Acts of sexual harassment, which include deliberate or repeated unsolicited or unwelcome verbal comments, gestures, or physical contact of a sexual nature.	Letter of reprimand to removal	Removal	
23. Making disparaging references, expressing a stereotype view, or associating undesirable characteristics in regard to a person's race, color, religion, sex, national origin, age or handicap.	Letter of reprimand to removal	Removal	
24. Failure or refusal to correct a discriminating practice or to rectify a situation which is found to be deficient with regard to the agency's policy of assuring equal opportunity in FAA programs. (See Order 1000.1A)	Letter of reprimand to removal.	Removal	
25. Making false or unfounded statements about other employees.	Letter of reprimand	5-day suspension	30-day suspension
26. Serious or repeated violations of traffic regulations while driving a Government vehicle or a vehicle rented or leased for official Government purposes.	5-day suspension	10-day suspension	Removal
27. Reckless driving or improper operation of any motor vehicle on FAA premises.	Letter of reprimand	5-day suspension	30-day suspension
28. Borrowing money or obtaining cosignatures from subordinates.	Letter of reprimand	5-day suspension	Removal
29. Unauthorized canvassing, soliciting, or peddling on FAA premises.	Letter of reprimand	5-day suspension	Removal

3750.4A
Appendix 1

11/16/89

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
30. Concealing or covering up a recognized offense, including acts of sexual harassment or other types of prohibited discrimination, or a material fact for another employee (including a supervisor, or a subordinate employee), which, if revealed, would result in disciplinary action being assessed against the employee.	10-day suspension to removal	Removal	
31. Failure to assess a penalty when the facts are known and disciplinary action is warranted (including acts of prohibited sexual harassment or other types of prohibited discrimination).	Letter of reprimand to 5-day suspension	10-day suspension	Removal
32. Violating or ignoring security regulations.	Letter of reprimand to removal	5-day suspension to removal	Removal
33. Falsifying attendance record for oneself or another employee.	5-day suspension to removal	Removal	
34. Intentional falsification, misstatement or concealment of material fact, or refusal to give testimony in connection with employment or any investigation or inquiry.	10-day suspension to removal	Removal	
35. Actual or attempted theft of Government or personal property.	10-day suspension to removal	Removal	
36. Loss of, damage to, or endangering Government property through carelessness.	Letter of reprimand to removal	10-day suspension to removal	Removal
37. Misconduct generally: criminal, infamous, immoral, perverted, or notoriously disgraceful conduct.	30-day suspension to removal	Removal	
38. Misuse of identification cards, or investigative or identification credentials.	Letter of reprimand	10-day suspension	Removal

11/16/89

3750.4A
Appendix 1

<u>Nature of Offense</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
39. Forging or falsifying official Government records or documents.	5-day suspension to removal	Removal	
40. Misuse of Government property or leased services (including misuse of computers).	5-day suspension to removal	Removal	
41. Intentionally damaging, misadjusting or improperly using equipment used for or related to the control of air traffic.	10-day suspension to removal	Removal	
42. Willful use, or intentionally authorizing the use of Government vehicles for other than official purposes (suspension for this offense is in calendar days).	30-calendar day suspension (required by law).	30-calendar day suspension to removal	Removal

11/16/89

3750.4A
Appendix 2

APPENDIX 2. SAMPLE LETTER OF REPRIMAND

Name of Employee
Address

Date

Dear (Name):

This is notice that you are officially reprimanded for the following reasons: (Recount the reasons for the written reprimand in sufficient detail so that the employee will fully understand the violation, infraction, or act of omission for which he/she is being reprimanded. Cite specific times, places, and dates as appropriate).

You may call upon me for any assistance which you may need to help you understand the reasons for this action and to assist you in avoiding a recurrence of the above-mentioned deficiency. You have a right to reply to me personally, in writing, or both within 15 days to offer reasons or arguments why this reprimand should not be issued. Any reply you submit will be fully considered, and if, based upon the reasons and explanations you offer, I decide that this reprimand should be withdrawn, you will be so advised and the documents relating to this matter will not be filed in your Official Personnel Folder.

Unless you are otherwise advised, this letter of reprimand, together with any written reply you choose to submit, will be placed in your Official Personnel Folder for 2 years.

Signed (Name of Supervisor)

11/16/89

3750.4A

Appendix 3

APPENDIX 3. SAMPLE LETTERS RELATING TO SUBSTANCE ABUSE CASES

Sample Letter 1.

Proposal to Remove in Substance Abuse Case

Sample Letter 2.

Decision Letter in Substance Abuse Case

3750.4A

Appendix 3

11/16/89

SAMPLE LETTER 1.

PROPOSAL TO REMOVE IN SUBSTANCE ABUSE CASE

Dear Mr./Ms.:

This is notice that I propose to remove you from your position of _____, GS-_____, Step _____, \$_____, per annum, at the _____, not earlier than 30 days from the date you receive this notice. The reason is:

Reason: _____.

Specification: _____.

As an _____, you are placed in a unique and demanding position with immense responsibility for the lives and property of others. Being continuously alert and having sound judgment are basic to the position. Since you are in an aviation-safety-related occupation, and as there is the necessity to preserve the public's and user's confidence in this critical area, any involvement on your part with mind-altering substances will not be tolerated. In addition, any involvement by you with mind-altering substances could have a deleterious effect on your abilities to function in your position.

You may reply to this proposal to me personally, in writing, or both, and furnish affidavits and other documentary evidence in support of your answer within 15 calendar days from the day you receive this letter. In making a response, you have the right to be represented by an attorney or other representative and the right to review the material relied upon to support this action. You may review this material at _____. You will be granted a reasonable amount of official time, provided you are in a duty status, of up to 16 hours to prepare and present a reply to this proposed action. Before making a decision, I will carefully consider any response you may make and any evidence you may submit. Consideration will also be given to your willingness to participate in and successfully complete an FAA-approved Substance Abuse Treatment Program and your agreement to abide by the conditions of that program and any other conditions of rehabilitation which I may subsequently submit to you.

As soon as possible after your reply is received, or after the expiration of the 15-day limit if you do not reply, a written decision will be issued to you.

Sincerely,

11/16/89

3750.4A
Appendix 3

SAMPLE LETTER 2.

DECISION LETTER IN SUBSTANCE ABUSE CASE

Dear Mr./Ms.:

On _____, you received a letter of proposed removal for your involvement with drugs. In that letter you were told that consideration would be given to your willingness to participate in and successfully complete an FAA approved Substance Abuse Treatment Program and your agreement to abide by any other conditions of rehabilitation which I might submit to you. I have considered your (oral and/or written) response(s) dated _____. I find that the reason and specification cited in the letter of proposed removal are supported by the evidence. However, I have decided to hold my decision in abeyance at this time, principally because of your agreement to participate in an approved Substance Abuse Treatment Program. I would remind you that your involvement in the present rehabilitation effort constitutes your one opportunity for rehabilitation as provided in for in the agency's substance abuse policy. In addition, enrollment in a rehabilitation program does not immunize you from disciplinary action if it is determined that you have been involved in the sale, distribution, manufacture, growing, transport, or on-duty use of a controlled substance. My final decision in this matter will be contingent upon your successful completion of the rehabilitation program and your fulfilling of the following conditions:

1. Attend a ____-day inpatient program for drug abuse at _____.
2. Attend aftercare as prescribed by _____ once a week for at least _____ months after completion of your inpatient care.
3. Attend Narcotics Anonymous daily for _____ except for the days you attend aftercare.
4. Obtain a sponsor from Narcotics Anonymous by _____, and supply that name to your supervisor.
5. Agree to drug screening any time it is requested by the FAA for a period of _____ months after the date of this agreement.
6. Never report to work under the influence of alcohol or any approved drug.
7. If unable to attend any scheduled activities due to a personal emergency (e.g., illness, accident), obtain advance approval from your supervisor.

3750.4A
Appendix 3

11/16/89

(DECISION LETTER CONTINUED)

2

Because of your duties as an _____, which is an aviation-safety-related occupation, and the necessity to preserve the public's and user's confidence in this critical area, any involvement on your part with illegal, mind-altering substances will not be tolerated. Therefore, any further involvement by you with illegal, mind-altering substances or failure to adhere to the terms of this letter will result in separation. Please return a signed copy of this letter to me within 3 days.

Sincerely,

Employee's Signature _____ Date _____